

CONSTRUCTION OF SECOND SECTION OF ACT OF FEBRUARY 3, 1853, "TO CONTINUE HALF PAY TO CERTAIN WIDOWS AND ORPHANS."

[To accompany Joint Resolution H. R. No. 33.]

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APRIL 13, 1860.

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Mr. HUTCHINS, from the Committee on Claims, made the following

REPORT.

*The Committee on Claims, to whom was referred the Court of Claims bill No. 65, for the relief of Jane Smith, have had the same under consideration, and report:*

That the claim arises under "An act to continue half pay to certain widows and orphans," approved February 3, 1853. The second section of this act declares "that the widows of all officers, non-commissioned officers, musicians, and privates of the revolutionary army, who were married subsequent to January, anno Domini eighteen hundred, shall be entitled to a pension *in the same manner* as those who were married before that date."

The claimant applied for a pension under this act, claiming that it should commence from the 4th of March, 1848, and that it was the intention of Congress, by the passage of the act of February 3, 1853, to place widows who were married subsequent to 1800 on an equality with those married prior to that time. The Pension department rejected this construction, construing the act of February 3, 1853, as giving a pension to widows married subsequent to 1800 from the date of its passage. The petitioner, in this, and others making similar claims, applied to the Court of Claims for relief. That court decided that the true construction of the act of February 3, 1853, was to give the petitioner a pension, commencing on the 4th day of March, 1848, and reported a bill accordingly. Your committee have carefully examined the opinion of the Pension department and the opinion of the Court of Claims, referred with the bill reported by the court, and are clearly of the opinion that the construction given to the act of February 3, 1853, by the Court of Claims is correct, and that the petitioner is entitled to the relief asked for. The Court of Claims also had before it other cases depending upon the same question, and it reported bills in each case, which were also referred to your commit-

tee. For the purpose of relieving Congress from passing these several bills, should it adopt the construction of the Court of Claims of the law in question, and for the purpose of relieving the claimants from the expense of employing attorneys or agents to urge through their claims, your committee would recommend the adoption of the following joint resolution, which would be an authoritative construction of the act in question, and would enable the several claimants under it to receive their pensions upon proper application to the Pension department.